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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CARLLENE M. PLACIDE,

10 Plaintiff,

11 v.

12 WASHINGTON STATE BAR
13 ASSOCIATION and WASHINGTON
14 STATE SUPREME COURT,

Defendants.

No. C17-0851RSL

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER

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16 This matter comes before the Court on plaintiff's "Motion for Temporary Restraining
17 Order to Stay Washington Supreme Court Order Pending Appeal." Dkt. # 1. On May 26, 2017,
18 the Supreme Court of Washington suspended plaintiff from the practice of law effective today,
19 June 2, 2017. Dkt. # 2-1. The suspension was entered pursuant to Rule for Enforcement of
20 Lawyer Conduct 7.2(a)(2) and is to remain in effect until the Supreme Court has an opportunity
21 to resolve plaintiff's appeal of the Washington State Bar Association's recommendation that
22 plaintiff be disbarred. Plaintiff seeks to stay the interim suspension, arguing that it violates her
23 due process rights and will cause irreparable harm to her reputation.

24 Although the procedure for obtaining a temporary restraining order differs from that
25 which is applicable in the preliminary injunction context, the factors considered by the Court are
26 the same. In order to obtain preliminary injunctive relief, plaintiff must establish "that [s]he is

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1 likely to succeed on the merits, that [s]he is likely to suffer irreparable harm in the absence of
2 preliminary relief, that the balance of equities tips in [her] favor, and that an injunction is in the
3 public interest.” Winter v. Natural Res. Def. Council, 555 U.S. 7, 20 (2008). In the Ninth Circuit,
4 “if a plaintiff can only show that there are serious questions going to the merits – a lesser
5 showing than likelihood of success on the merits – then a preliminary injunction may still issue
6 if the balance of hardships tips *sharply* in the plaintiff’s favor, and the other two Winter factors
7 are satisfied.” Feldman v. Ariz. Sec. of State’s Office, 843 F.3d 366, 375 (9th Cir. 2016)
8 (quoting Shell Offshore, Inc. v. Greenpeace, Inc., 709 F.3d 1281, 1291 (9th Cir. 2013)) (internal
9 quotation marks omitted, emphasis in original).

10 Plaintiff has failed to make the showing necessary to obtain preliminary injunctive relief.
11 Plaintiff makes no effort to support or substantiate her conclusory allegation that her due process
12 rights were violated. Whether plaintiff is asserting a procedural or substantive due process claim
13 is unclear, and she has not provided facts from which one could infer that the disciplinary
14 procedures of the State of Washington deprived her of notice or an opportunity to be heard or
15 that the manner in which defendants handled the complaint against her was arbitrary and
16 capricious. Having failed to adequately allege a constitutional deficiency, plaintiff has not shown
17 a likelihood of success on the merits or raised serious questions regarding her underlying
18 constitutional claim.

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20 For all of the foregoing reasons, plaintiff’s request for a temporary restraining order is
21 DENIED.

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23 Dated this 2nd day of June, 2017.

24 
25 Robert S. Lasnik
26 United States District Judge

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